

2017 DRAFTING REQUEST**Bill**For: **Robin Vos (608) 266-9171**Drafter: **chanaman**

By: Secondary Drafters:

Date: **11/29/2018**

May Contact:

Same as LRB:

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Pre Topic:

No specific pre topic given

Topic:

Bill #3

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/29/2018				
/P1		aernsttr 11/29/2018	lparisi 11/29/2018		State S&L
/1		wjackson 11/30/2018	lparisi 11/30/2018	dwalker 11/30/2018	State S&L

FE Sent For:

<END>



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6072/P1

VR ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: holding the presidential preference primary on the second
2 Tuesday in March; the beginning of the period for applying for an absentee
3 ballot in-person.

Analysis by the Legislative Reference Bureau

1. *** ANALYSIS FROM -6017/P2 ***

This bill requires the presidential preference primary to be held on the second Tuesday in March rather than the first Tuesday in April.

2. *** ANALYSIS FROM -6019/P1 ***

Under current law, a qualified elector may apply for an absentee ballot in-person no earlier than the third Monday preceding the election and no later than the Friday preceding the election. Under this bill, a qualified elector may apply for an absentee ballot in-person no earlier than the third Saturday preceding the election and no later than the Friday preceding the election.

Insert A
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4

SECTION 1. 5.02 (15m) of the statutes is created to read:

Insert 1-4

1 5.02 (15m) "Presidential preference primary" means the primary held on the
2 2nd Tuesday in March to express preferences for the person to be the presidential
3 candidate for each party in a year in which electors for president and vice president
4 are to be elected.

5 **SECTION 2.** 5.02 (21) of the statutes is amended to read:

6 5.02 (21) "Spring election" means the election held on the first Tuesday in April
7 to elect judicial, educational and municipal officers, and nonpartisan county officers
8 and sewerage commissioners and to ~~express preferences for the person to be the~~
9 ~~presidential candidate for each party in a year in which electors for president and~~
10 ~~vice president are to be elected.~~

11 **SECTION 3.** 5.60 (8) (am) of the statutes is amended to read:

12 5.60 (8) (am) Except as authorized in s. 5.655, there shall be a separate ballot
13 for each recognized political party filing a certification under s. 8.12 (1), listing the
14 names of all potential candidates of that party determined under s. 8.12 and
15 affording, in addition, an opportunity to the voter to nominate another potential
16 candidate by write-in vote or to vote for an uninstructed delegation to the party
17 convention. The order of presidential candidates on the ballot shall be determined
18 by lot by or under the supervision of the commission. Each voter shall be given the
19 ballots of all the parties participating in the presidential preference ~~vote~~ primary, but
20 may vote on one ballot only.

21 **SECTION 4.** 6.86 (1) (b) of the statutes is amended to read:

22 6.86 (1) (b) Except as provided in this section, if application is made by mail,
23 the application shall be received no later than 5 p.m. on the 5th day immediately
24 preceding the election. If application is made in person, the application shall be
25 made no earlier than ~~the opening of business on the 3rd Monday~~ Saturday preceding

1 the election and no later than 7 p.m. on the Friday preceding the election. No
2 application may be received on a legal holiday. An application made in person may
3 only be received Monday to ~~Friday~~ Saturday between the hours of 8 a.m. and 7 p.m.
4 each day. A municipality shall specify the hours in the notice under s. 10.01 (2) (e).
5 The municipal clerk or an election official shall witness the certificate for any
6 in-person absentee ballot cast. Except as provided in par. (c), if the elector is making
7 written application for an absentee ballot at the partisan primary, the general
8 election, the presidential preference primary, or a special election for national office,
9 and the application indicates that the elector is a military elector, as defined in s. 6.34
10 (1), the application shall be received by the municipal clerk no later than 5 p.m. on
11 election day. If the application indicates that the reason for requesting an absentee
12 ballot is that the elector is a sequestered juror, the application shall be received no
13 later than 5 p.m. on election day. If the application is received after 5 p.m. on the
14 Friday immediately preceding the election, the municipal clerk or the clerk's agent
15 shall immediately take the ballot to the court in which the elector is serving as a juror
16 and deposit it with the judge. The judge shall recess court, as soon as convenient,
17 and give the elector the ballot. The judge shall then witness the voting procedure as
18 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
19 shall deliver it to the polling place or, in municipalities where absentee ballots are
20 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
21 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.
22 on the Friday immediately preceding the election.

23 **SECTION 5.** 7.08 (2) (d) of the statutes is amended to read:

24 7.08 (2) (d) As soon as possible after ~~the last Tuesday in January~~ December 15
25 of each year preceding the year in which there is a presidential election, the

Amended
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1 commission shall transmit to each county clerk a certified list of candidates for
2 president who have qualified to have their names appear on the presidential
3 preference primary ballot.

4 **SECTION 6.** 8.12 (1) of the statutes is amended to read:

5 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 2nd
6 ~~Tuesday in December~~ November 15 of the year before each year in which electors for
7 president and vice president are to be elected, the state chairperson of each
8 recognized political party listed on the official ballot at the last gubernatorial election
9 whose candidate for governor received at least 10 percent of the total votes cast for
10 that office may certify to the commission that the party will participate in the
11 presidential preference primary. For each party filing such a certification, the voters
12 of this state shall at the spring election be given an opportunity to express their
13 preference for the person to be the presidential candidate of that party.

14 (b) ~~On the first Tuesday in January~~ No later than December 1 of each year, or
15 ~~the next day if Tuesday is a holiday, preceding the year~~ in which electors for president
16 and vice president are to be elected, there shall be convened in the capitol a
17 committee consisting of, for each party filing a certification under this subsection,
18 the state chairperson of that state party organization or the chairperson's designee,
19 one national committeeman and one national committeewoman designated by the
20 state chairperson; the speaker and the minority leader of the assembly or their
21 designees, and the president and the minority leader of the senate or their designees.
22 All designations shall be made in writing to the commission. This committee shall
23 organize by selecting an additional member who shall be the chairperson and shall
24 determine, and certify to the commission, no later than on the Friday following the
25 date on which the committee convenes under this paragraph, the names of all

1 candidates of the political parties represented on the committee for the office of
2 president of the United States. The committee shall place the names of all
3 candidates whose candidacy is generally advocated or recognized in the national
4 news media throughout the United States on the ballot, and may, in addition, place
5 the names of other candidates on the ballot. The committee shall have sole discretion
6 to determine that a candidacy is generally advocated or recognized in the national
7 news media throughout the United States.

8 (c) No later than 5 p.m. on the ~~last Tuesday in January~~ December 15 of each
9 year preceding a presidential election year, any person seeking the nomination by
10 the national convention of a political party filing a certification under this subsection
11 for the office of president of the United States, or any committee organized in this
12 state on behalf of and with the consent of such person, may submit to the commission
13 a petition to have the person's name appear on the presidential preference ballot.
14 The petition may be circulated no sooner than the ~~first Tuesday in January of such~~
15 ~~year, or the next day if Tuesday is a holiday,~~ December 1 of the year preceding the
16 presidential election year and shall be signed by a number of qualified electors equal
17 in each congressional district to not less than 1,000 signatures nor more than 1,500
18 signatures. The form of the petition shall conform to the requirements of s. 8.40. All
19 signers on each separate petition paper shall reside in the same congressional
20 district.

21 (d) The commission shall forthwith contact each person whose name has been
22 placed in nomination under par. (b) and notify him or her that his or her name will
23 appear on the Wisconsin presidential preference primary ballot unless he or she files,
24 no later than 5 p.m. on the ~~last Tuesday in January of such year~~ December 15 of the
25 year preceding a presidential election year, with the commission, a disclaimer

1 stating without qualification that he or she is not and does not intend to become a
2 candidate for the office of president of the United States at the forthcoming
3 presidential election. The disclaimer may be filed with the commission by certified
4 mail, telegram, or in person.

5 **SECTION 7.** 8.12 (3) of the statutes is amended to read:

6 8.12 (3) REPORTING OF RESULTS. No later than ~~May 15~~ March 31 following the
7 presidential preference primary, the commission shall notify each state party
8 organization chairperson under sub. (1) (b) of the results of the presidential
9 preference primary within the state and within each congressional district.

10 **SECTION 8.** 10.02 (3) (b) 3. of the statutes is amended to read:

11 10.02 (3) (b) 3. When casting a presidential preference primary vote, the elector
12 shall select the party ballot of his or her choice and make a cross (X) next to or depress
13 the button or lever next to the candidate's name for whom he or she intends to vote
14 or shall, in the alternative, make a cross (X) next to or depress the button or lever next
15 to the words "Uninstructed delegation", or shall write in the name of his or her choice
16 for a candidate.

17 **SECTION 9.** 10.06 (2) (d) of the statutes is amended to read:

18 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
19 county clerk shall publish a type B notice. In a year in which the presidential
20 preference primary is held, the county clerk shall also publish notice of the
21 presidential preference primary.

22 **SECTION 10.** 10.06 (2) (g) of the statutes is amended to read:

23 10.06 (2) (g) On the Monday preceding the spring election, the county clerk
24 shall publish a type B notice containing the same information prescribed in par. (a).
25 ~~In a year in which the presidential preference primary is held, the county clerk shall~~

~~also publish notice of the presidential preference primary.~~ In addition, the county clerk shall publish a type C notice on the Monday preceding the spring election for all state and county referenda to be voted upon by electors of the county.

SECTION 11. 11.0101 (32) of the statutes is amended to read:

11.0101 (32) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational, and municipal officers, and nonpartisan county officers and sewerage commissioners, ~~and to express preferences for the person to be the presidential candidate for each political party in a year in which electors for president and vice president are to be elected.~~

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6015/P1
JK:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert

1 AN ACT *to repeal* 6.34 (1) (b) and 6.87 (4) (a) 2.; *to consolidate, renumber and*
2 *amend* 6.34 (1) (intro.) and (a) and 6.87 (4) (a) (intro.) and 1.; *to amend* 5.05
3 (13) (c), 5.05 (13) (d) 1., 6.22 (2) (b), 6.22 (2) (e), 6.22 (4) (a), 6.22 (4) (c), 6.24 (2),
4 6.24 (4) (c), 6.24 (4) (d), 6.24 (4) (e), 6.25 (1) (b), 6.276 (1), 6.865 (1), 6.87 (2), 6.87
5 (3) (d), 6.87 (4) (b) 1., 6.88 (1), 6.97 (1), 7.15 (1) (cm) and 7.15 (1) (j); and *to create*
6 5.02 (12n) of the statutes; **relating to:** absentee ballots cast by overseas and
7 military voters.

Insert
1-3

Analysis by the Legislative Reference Bureau

3. This bill modifies current law regarding the voting procedures for military and overseas electors so that the law is in substantial compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act. The bill also modifies current law so that an individual signing the witness certification for an absentee ballot cast by a military elector or overseas elector need not be a United States citizen.

The bill allows all overseas electors to receive absentee ballots electronically, regardless of whether such electors are considered permanently or temporarily overseas. Under the bill, an overseas elector is a U.S. citizen who is residing outside of the United States, who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote,

Insert A

who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.02 (12n) of the statutes is created to read:

5.02 (12n) "Overseas elector" means a U.S. citizen who is residing outside of the United States, who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

SECTION 2. 5.05 (13) (c) of the statutes is amended to read:

5.05 (13) (c) The commission shall maintain a freely accessible system under which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b),~~ who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk.

SECTION 3. 5.05 (13) (d) 1. of the statutes is amended to read:

5.05 (13) (d) 1. To permit a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b),~~ to request a voter registration application or an application for an absentee ballot at any election at which the elector is qualified to vote in this state.

SECTION 4. 6.22 (2) (b) of the statutes is amended to read:

1 6.22 (2) (b) A military elector shall make and subscribe to the certification
2 under s. 6.87 (2) before a witness who is an adult U.S. citizen.

3 **SECTION 5.** 6.22 (2) (e) of the statutes is amended to read:

4 6.22 (2) (e) A military elector may file an application for an absentee ballot by
5 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86
6 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector
7 an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a),
8 and the elector so requests, shall transmit an absentee ballot to the elector by means
9 of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3)
10 (d).

11 **SECTION 6.** 6.22 (4) (a) of the statutes is amended to read:

12 6.22 (4) (a) Upon receiving a timely request for an absentee ballot under par.
13 (b) by an individual who qualifies as a military elector, the municipal clerk shall send
14 or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit
15 to the elector upon the elector's request an absentee ballot for all elections that occur
16 in the municipality or portion thereof where the elector resides in the same calendar
17 year in which the request is received, unless the individual otherwise requests.

18 **SECTION 7.** 6.22 (4) (c) of the statutes is amended to read:

19 6.22 (4) (c) A military elector may indicate an alternate address on his or her
20 absentee ballot application. If the elector's ballot is returned as undeliverable prior
21 to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains
22 eligible to receive absentee ballots under this section, the municipal clerk shall
23 immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a),
24 transmit an absentee ballot to the elector at the alternate address.

25 **SECTION 8.** 6.24 (2) of the statutes is amended to read:

2-20
6.24 (2) ELIGIBILITY. An overseas elector ~~under sub. (1)~~ may vote in any election for national office, including the partisan primary and presidential preference primary and any special primary or election. Such elector may not vote in an election for state or local office unless the elector qualifies as a resident of this state under s. 6.10. An overseas elector shall vote in the ward or election district in which the elector was last domiciled or in which the elector's parent was last domiciled prior to departure from the United States.

SECTION 9. 6.24 (4) (c) of the statutes is amended to read:

6.24 (4) (c) Upon receipt of a timely application from an individual who qualifies as an overseas elector and who has registered to vote in a municipality under sub. (3), the municipal clerk of the municipality shall send, or if the individual is an overseas elector, ~~as defined in s. 6.34 (1) (b)~~, shall transmit, an absentee ballot to the individual upon the individual's request for all subsequent elections for national office to be held during the year in which the ballot is requested, except as otherwise provided in this paragraph, unless the individual otherwise requests or until the individual no longer qualifies as an overseas elector of the municipality. The clerk shall not send an absentee ballot for an election if the overseas elector's name appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The municipal clerk shall ensure that the envelope containing the absentee ballot is clearly marked as not forwardable. If an overseas elector who files an application under this subsection no longer resides at the same address that is indicated on the application form, the elector shall so notify the municipal clerk.

SECTION 10. 6.24 (4) (d) of the statutes is amended to read:

1 6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as
2 a resident of this state under s. 6.10, who is not registered may request both a
3 registration form and an absentee ballot at the same time, and the municipal clerk
4 shall send or transmit the ballot automatically if the registration form is received
5 within the time prescribed in s. 6.28 (1). The commission shall prescribe a special
6 certificate form for the envelope in which the absentee ballot for such overseas
7 electors is contained, which shall be substantially similar to that provided under s.
8 6.87 (2). ~~An~~ The overseas elector shall make and subscribe to the special certificate
9 form before a witness who is an adult U.S. citizen.

10 **SECTION 11.** 6.24 (4) (e) of the statutes is amended to read:

11 6.24 (4) (e) An overseas elector, regardless of whether the elector qualifies as
12 a resident of this state under s. 6.10, may file an application for an absentee ballot
13 by means of electronic mail or facsimile transmission in the manner prescribed in s.
14 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the
15 elector an absentee ballot or, if the elector is an overseas elector, as defined in s. 6.34
16 (1) (b) and the elector so requests, shall transmit an absentee ballot to the elector by
17 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87
18 (3) (d).

19 **SECTION 12.** 6.25 (1) (b) of the statutes is amended to read:

20 6.25 (1) (b) Any individual who qualifies as an overseas elector ~~under s. 6.24~~
21 ~~(1),~~ regardless of whether the elector qualifies as a resident of this state under s. 6.10,
22 and who transmits an application for an official absentee ballot for an election for
23 national office, including a primary election, no later than the latest time specified
24 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
25 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all

Insert 2-20

1 candidates of any recognized political party ~~for national office~~ listed on the official
2 ballot at that election, if the federal write-in absentee ballot is received by the
3 appropriate municipal clerk no later than the applicable time prescribed in s. 6.87
4 (6).

5 **SECTION 13.** 6.276 (1) of the statutes is amended to read:

6 6.276 (1) In this section, "military elector" and "~~overseas elector~~" have has the
7 meanings meaning given in s. 6.34 (1).

8 **SECTION 14.** 6.34 (1) (intro.) and (a) of the statutes are consolidated,
9 renumbered 6.34 (1) and amended to read:

10 6.34 (1) In this section: ~~(a) "Military,~~ "military elector" means a member of a
11 uniformed service on active duty who, by reason of that duty, is absent from the
12 residence where the member is otherwise qualified to vote; a member of the
13 merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the
14 merchant marine, is absent from the residence where the member is otherwise
15 qualified to vote; or the spouse or dependent of any such member who, by reason of
16 the duty or service of the member, is absent from the residence where the spouse or
17 dependent is otherwise qualified to vote.

18 **SECTION 15.** 6.34 (1) (b) of the statutes is repealed.

19 **SECTION 16.** 6.865 (1) of the statutes is amended to read:

20 6.865 (1) In this section, "military elector" and "~~overseas elector~~" have has the
21 meanings meaning given under s. 6.34 (1).

22 **SECTION 17.** 6.87 (2) of the statutes is amended to read:

23 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
24 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
25 the name, official title and post-office address of the clerk upon its face. The other

Insert 3-22

1 side of the envelope shall have a printed certificate which shall include a space for
2 the municipal clerk or deputy clerk to enter his or her initials indicating that if the
3 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of
4 identification to the clerk and the clerk verified the proof presented. The certificate
5 shall also include a space for the municipal clerk or deputy clerk to enter his or her
6 initials indicating that the elector is exempt from providing proof of identification
7 because the individual is a military elector or an overseas elector who does not
8 qualify as a resident of this state under s. 6.10 or is exempted from providing proof
9 of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the
10 following form:

11 [STATE OF

12 County of]

13 or

14 [(name of foreign country and city or other jurisdictional unit)]

15 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
16 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of
17 the ... aldermanic district in the city of ..., residing at ...* in said city, the county
18 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at
19 the election to be held on ...; that I am not voting at any other location in this election;
20 that I am unable or unwilling to appear at the polling place in the (ward) (election
21 district) on election day or have changed my residence within the state from one ward
22 or election district to another later than 28 days before the election. I certify that I
23 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
24 presence and in the presence of no other person marked the ballot and enclosed and
25 sealed the same in this envelope in such a manner that no one but myself and any

person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed

Identification serial number, if any:

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen** and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(Name Printed name)

....(Address)***

Signed

* — An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address.

** — An individual who serves as a witness for a military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years of age or older.

*** — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

SECTION 18. 6.87 (3) (d) of the statutes is amended to read:

6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b)

Insert
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1 regardless of whether the elector qualifies as a resident of this state under s. 6.10,
2 of a facsimile transmission number or electronic mail address where the elector can
3 receive an absentee ballot, transmit a facsimile or electronic copy of the elector's
4 ballot to that elector in lieu of mailing under this subsection. An elector may receive
5 an absentee ballot only if the elector is a military elector or an overseas elector under
6 ~~s. 6.34 (1)~~ and has filed a valid application for the ballot as provided in s. 6.86 (1).
7 If the clerk transmits an absentee ballot to a military or overseas elector
8 electronically, the clerk shall also transmit a facsimile or electronic copy of the text
9 of the material that appears on the certificate envelope prescribed in sub. (2),
10 together with instructions prescribed by the commission. The instructions shall
11 require the military or overseas elector to make and subscribe to the certification as
12 required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope
13 contained within a larger envelope, that shall include the completed certificate. The
14 elector shall then affix sufficient postage unless the absentee ballot qualifies for
15 mailing free of postage under federal free postage laws and shall mail the absentee
16 ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot
17 received from a military or overseas elector who receives the ballot electronically
18 shall not be counted unless it is cast in the manner prescribed in this paragraph and
19 sub. (4) and in accordance with the instructions provided by the commission.

20 **SECTION 19.** 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated,
21 renumbered 6.87 (4) (a) and amended to read:

22 6.87 (4) (a) In this subsection: 1. ~~"Military,~~ "military elector" has the meaning
23 given in s. 6.34 (1) (a).


24 **SECTION 20.** 6.87 (4) (a) 2. of the statutes is repealed.

25 **SECTION 21.** 6.87 (4) (b) 1. of the statutes is amended to read:



Amend
3-22

1 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the an elector voting
2 absentee, other than a military elector or an overseas elector, shall make and
3 subscribe to the certification before one witness who is an adult U.S. citizen. A
4 military elector or an overseas elector voting absentee, regardless of whether the
5 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
6 to the certification before one witness who is an adult but who need not be a U.S.
7 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
8 a manner that will not disclose how the elector's vote is cast. The elector shall then,
9 still in the presence of the witness, fold the ballots so each is separate and so that the
10 elector conceals the markings thereon and deposit them in the proper envelope. If
11 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
12 the elector conceals the markings thereon and deposit the ballot in the proper
13 envelope. If proof of residence under s. 6.34 is required and the document enclosed
14 by the elector under this subdivision does not constitute proof of residence under s.
15 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
16 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
17 a military elector or an overseas elector and the elector registered by mail or by
18 electronic application and has not voted in an election in this state. If the elector
19 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
20 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
21 original signature of the elector. The elector may receive assistance under sub. (5).
22 The return envelope shall then be sealed. The witness may not be a candidate. The
23 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
24 issuing the ballot or ballots. If the envelope is mailed from a location outside the
25 United States, the elector shall affix sufficient postage unless the ballot qualifies for




Insert
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1 delivery free of postage under federal law. Failure to return an unused ballot in a
2 primary does not invalidate the ballot on which the elector's votes are cast. Return
3 of more than one marked ballot in a primary or return of a ballot prepared under s.
4 5.655 or a ballot used with an electronic voting system in a primary which is marked
5 for candidates of more than one party invalidates all votes cast by the elector for
6 candidates in the primary.

7 **SECTION 22.** 6.88 (1) of the statutes is amended to read:


8 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
9 or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,
10 unopened, in a carrier envelope which shall be securely sealed and endorsed with the
11 name and official title of the clerk, and the words "This envelope contains the ballot
12 of an absent elector and must be opened in the same room where votes are being cast
13 at the polls during polling hours on election day or, in municipalities where absentee
14 ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of
15 absentee ballot canvassers under s. 7.52, stats." If the elector is a military elector,
16 as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~
17 regardless of whether the elector qualifies as a resident of this state under s. 6.10,
18 and the ballot was received by the elector by facsimile transmission or electronic mail
19 and is accompanied by a separate certificate, the clerk shall enclose the ballot in a
20 certificate envelope and securely append the completed certificate to the outside of
21 the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep
22 the ballot in the clerk's office or at the alternate site, if applicable until delivered, as
23 required in sub. (2).

24 **SECTION 23.** 6.97 (1) of the statutes is amended to read:



Insert
3-22

1 6.97 (1) Whenever any individual who is required to provide proof of residence
2 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
3 cannot provide the required proof of residence, the inspectors shall offer the
4 opportunity for the individual to vote under this section. Whenever any individual,
5 other than a military elector, as defined in s. 6.34 (1) (a), ~~or~~, an overseas elector, as
6 defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2),
7 appears to vote at a polling place and does not present proof of identification under
8 s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly
9 offer the opportunity for the individual to vote under this section. If the individual
10 wishes to vote, the inspectors shall provide the elector with an envelope marked
11 "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and
12 shall require the individual to execute on the envelope a written affirmation stating
13 that the individual is a qualified elector of the ward or election district where he or
14 she offers to vote and is eligible to vote in the election. The inspectors shall, before
15 giving the elector a ballot, write on the back of the ballot the serial number of the
16 individual corresponding to the number kept at the election on the poll list or other
17 list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used
18 in the municipality where the individual is voting, the individual's vote may be
19 received only upon an absentee ballot furnished by the municipal clerk which shall
20 have the corresponding number from the poll list or other list maintained under s.
21 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors
22 before the ballot is given to the elector. When receiving the individual's ballot, the
23 inspectors shall provide the individual with written voting information prescribed
24 by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact
25 that the individual is required to provide proof of residence or proof of identification



Amend 3-22

1 under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he
2 or she may provide proof of residence or proof of identification to the municipal clerk
3 or executive director of the municipal board of election commissioners. The
4 inspectors shall also promptly notify the municipal clerk or executive director of the
5 name, address, and serial number of the individual. The inspectors shall then place
6 the ballot inside the envelope and place the envelope in a separate carrier envelope.

*and
3
3-22*

7 **SECTION 24.** 7.15 (1) (cm) of the statutes is amended to read:

8 7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting
9 them, and except as provided in this paragraph, send an official absentee ballot to
10 each elector who has requested a ballot by mail, and to each military elector, as
11 defined in s. 6.34 (1) (a), and overseas elector, ~~as defined in s. 6.34 (1) (b)~~, who has
12 requested a ballot by mail, electronic mail, or facsimile transmission, no later than
13 the 47th day before each partisan primary and general election and no later than the
14 21st day before each other primary and election if the request is made before that
15 day; otherwise, the municipal clerk shall send or transmit an official absentee ballot
16 within one business day of the time the elector's request for such a ballot is received.
17 The clerk shall send or transmit an absentee ballot for the presidential preference
18 primary to each elector who has requested that ballot no later than the 47th day
19 before the presidential preference primary if the request is made before that day, or,
20 if the request is not made before that day, within one business day of the time the
21 request is received. For purposes of this paragraph, "business day" means any day
22 from Monday to Friday, not including a legal holiday under s. 995.20.

23 **SECTION 25.** 7.15 (1) (j) of the statutes is amended to read:

24 7.15 (1) (j) Send an absentee ballot automatically to each elector and send or
25 transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) (a), and

*Amend
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1 each overseas elector, ~~as defined in s. 6.34 (1) (b),~~ making an authorized request
2 therefor in accordance with s. 6.22 (4), 6.24 (4) ~~(e),~~ or 6.86 (2) or (2m).

3 (END)

end of 4-3



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6072/P1
JK:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 6.34 (1) (b) and 6.87 (4) (a) 2.; *to consolidate, renumber and*
2 *amend* 6.34 (1) (intro.) and (a) and 6.87 (4) (a) (intro.) and 1.; *to amend* 5.02
3 (21), 5.05 (13) (c), 5.05 (13) (d) 1., 5.60 (8) (am), 6.22 (2) (b), 6.22 (2) (e), 6.22 (4)
4 (a), 6.22 (4) (c), 6.24 (2), 6.24 (4) (c), 6.24 (4) (d), 6.24 (4) (e), 6.25 (1) (b), 6.276
5 (1), 6.86 (1) (b), 6.865 (1), 6.87 (2), 6.87 (3) (d), 6.87 (4) (b) 1., 6.88 (1), 6.97 (1),
6 7.08 (2) (d), 7.15 (1) (cm), 7.15 (1) (j), 8.12 (1), 8.12 (3), 10.02 (3) (b) 3., 10.06 (2)
7 (d), 10.06 (2) (g) and 11.0101 (32); and *to create* 5.02 (12n) and 5.02 (15m) of
8 the statutes; **relating to:** holding the presidential preference primary on the
9 second Tuesday in March; applying for an absentee ballot in-person; and
10 absentee ballots cast by overseas and military voters.

Analysis by the Legislative Reference Bureau

1.

This bill requires the presidential preference primary to be held on the second Tuesday in March rather than the first Tuesday in April.

2.

Under current law, a qualified elector may apply for an absentee ballot in-person no earlier than the third Monday preceding the election and no later than

1 or shall, in the alternative, make a cross (X) next to or depress the button or lever next
2 to the words "Uninstructed delegation", or shall write in the name of his or her choice
3 for a candidate.

4 **SECTION 34.** 10.06 (2) (d) of the statutes is amended to read:

5 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
6 county clerk shall publish a type B notice. In a year in which the presidential
7 preference primary is held, the county clerk shall also publish notice of the
8 presidential preference primary.

9 **SECTION 35.** 10.06 (2) (g) of the statutes is amended to read:

10 10.06 (2) (g) On the Monday preceding the spring election, the county clerk
11 shall publish a type B notice containing the same information prescribed in par. (a).
12 ~~In a year in which the presidential preference primary is held, the county clerk shall~~
13 ~~also publish notice of the presidential preference primary.~~ In addition, the county
14 clerk shall publish a type C notice on the Monday preceding the spring election for
15 all state and county referenda to be voted upon by electors of the county.

16 **SECTION 36.** 11.0101 (32) of the statutes is amended to read:

17 11.0101 (32) "Spring election" means the election held on the first Tuesday in
18 April to elect judicial, educational, and municipal officers, and nonpartisan county
19 officers and sewerage commissioners, ~~and to express preferences for the person to be~~
20 ~~the presidential candidate for each political party in a year in which electors for~~
21 ~~president and vice president are to be elected.~~

22 (END)